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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,025	11/21/2001	Travis J. Parry	10008081-1	2759

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EXAMINER

LIN, KELVIN Y

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/990,025

Applicant(s)

PARRY, TRAVIS J.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Detailed Action***

#### ***Response to Arguments***

Applicant's arguments, see Remarks pages 6-8, filed on 4/12/06, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mohammed (PGPUB No. 2001/0014968).

#### ***Response to Amended Claims***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 9-20 are rejected under 35 USC 103(a) as being unpatentable over Sato et al., (US PG Pub No. 2003/0033395) in view of Mohammed (PGPUB No. 2001/0014968).
2. Regarding claim 1, Sato teaches an peripheral (imaging) device (Sato, [0005], Also the multi-function peripheral is one of the imaging device, according to the

specification page 1, [0002]) comprising:

- a network interface adapted for coupling to a network (Sato, [0005], and fig. 1, element 90, a local network interface, and peripheral (image ) devices, 10,20,30);

But, Sato does not specifically teach a device that requests a device request a device configuration from a second peripheral (image) device through the network interface in response to receiving an external upgrade command;

However, Mohammed teaches the following:

- a processing facility (Mohammed, [0016], upgrade program 160 corresponding to the processing facility), wherein the processing facility is adapted to request a device configuration to upgrade an internal configuration of the imaging device from a second peripheral (digital) device through the network interface in response to receiving an external upgrade command and a network location of the second imaging device (Mohammed, [0021], an upgrade command is issued to invoke the upgrade module, [0033], the upgrade module is invoked to perform the software upgrade, and see fig. 4, element 208, and [0041], find name and location of new INF file from the second peripheral device in the network in response to the new module detector, [0038]).

Because knowing that Mohammed's automatic upgrade of software

is adopted to processing the digital system, and the digital system is the selected peripheral device. Moreover, at Sato, [0030], the device management server 120 can receive instructions from the user station 80, request and receive information from the peripheral devices connected to the network 100, set configurations for the peripheral devices, and send information to the user station, it would have been obvious to use Mohammed's automatic upgrade of software incorporates with Sato's peripheral configuration. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

3. Regarding claim 2, Sato further discloses the imaging device of claim 1, wherein the device configuration from the second imaging device is requested from a storage location that is selected from the group consisting of: the second imaging device, a local network site, a remote network site, a website, a server, and a third imaging device (Sato, [0030], [0031], in which the device management server 120 can request and receive the status and configuration from the other peripheral devices).
4. Regarding claim 3, Sato further discloses the imaging device of claim 1, wherein the external upgrade command is given by a management facility which resides on a platform that is selected from the group consisting of: a workstation, a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device (Sato, [0035], in which external command can be sent from SNMP which resides

in the platform consists of several image device, and web server, see fig.2, & 3).

5. Regarding claim 4, Sato further discloses the imaging device of claim wherein the device configuration from the second imaging device is selected from a group consisting of at least one of: firmware code, software code, supplemental data, and a configuration parameter (Sato, [0030], [0031], in which the SNMP contains the configuration parameter in the MIB).
6. Regarding claim 5, Sato further discloses the imaging device of claim 4, wherein the device configuration from the second imaging device comprises at least one configuration parameter, where a mask is applied to the at least one configuration parameter to exclude portions thereof from being changed on the imaging device while being upgraded (Sato, [0026], in which the user can set the variable used as the selection criteria to a lower value for avoiding selection ).
7. Regarding claim 6, claiming for a computer-usable medium having computer-readable instruction stored thereon for execution by a processor to perform a method (Mohammed, [0015], [0020]), has limitations corresponding to imaging device claims 1-5. Therefore, claim 6 is rejected for the same reasons set forth in the rejection of claims 1-5.
8. Regarding claim 7 has limitations corresponding to claim 4. Therefore, claim 7 is rejected for the same reasons set forth in the rejection of claim 4.
9. Regarding claim 9 has similar limitations as claim 3. Therefore, claim 9 is rejected for the same reasons set forth in the rejection of claim 3.

10. Regarding claim 10, Sato further discloses the method of claim 9

further comprising:

- retrieving the configuration of an imaging device similar to the list of imaging devices with the management facility, wherein the similar imaging device shares a common configuration, firmware, software, or supplemented information with the list of imaging device; (Sato, [0029], [0030] in fig. 4, it lists the peripheral device with cpu performance, and the selected device management device 120 in the peripheral device 60, manages the system peripheral devices 50, 70 corresponds to the share a common configuration); and
- placing the configuration at the network location (Sato, [0030], I.10-12, [0031], I. 1-10 thru the peripheral communication the configuration is placed in the MIB of SNMP.).

11. Regarding claim 11, claiming for method of software code, has limitations corresponding to imaging device claim 4. Therefore, claim 11 is rejected for the same reasons set forth in the rejection of claim 4.

12. Regarding claim 12, claiming for method has limitations corresponding to device claim 5. Therefore, claim 12 is rejected for the same reasons set forth in the rejection of claim 5.

13. Regarding method claim 13, claiming for software, has limitations corresponding to device claim 3. Therefore, claim 13 is rejected for the same reasons set forth in the rejection of claim 3.

14. Regarding claim 14, Sato further discloses the method of claim 10, further comprising: periodically checking for changes in configuration, and if a change is noted, initiating a follow-up update (Sato, [0046], a new device is added corresponds to the change).
15. Regarding method claims 15, 16 have limitations corresponding to device claims 1-3. Therefore, claims 15, 16 are rejected for the same reasons set forth in the rejection of claims 1-3.
16. Regarding method claim 17 has limitations corresponding to device claim 3. Therefore, claim 17 is rejected for the same reasons set forth in the rejection of claim 3.
17. Regarding upgrading claim 18 has limitations corresponding to method claim 10. Therefore, claim 18 is rejected for the same reasons set forth in the rejection of claim 10.
18. Regarding upgrading claim 19 has limitations corresponding to method claim 9. Therefore, claim 19 is rejected for the same reasons set forth in the rejection of claim 9.
19. Regarding claim 20, Sato further discloses the method of claim 15, wherein the imaging device selects an appropriate version of the desired configuration from the network location to match its type (Sato, [0032]).
20. Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Sato in view of Mohammed and further in view of Wysoczynski (PGPUB No.



2002/0083156)

21. Regarding claim 8, Sato and Mohammed do not specifically teach the method of updating device configuration for image device connected to a network.

However, Wysoczynski discloses a method of updating device configuration for imaging devices connected to a network, comprising:

- defining a list of similar imaging devices connected to the network, wherein the similar imaging devices share a common configuration, firmware, software, or supplemental information (Wysoczynski, [0036], and fig. 2, the server 260 lists the similar devices, device 1 and device2 had loaded the image and configuration files from the first TFTP server 260).);
- defining a network location associated with desired configuration for the list of similar imaging devices (Wysoczynski, [0036], image and configuration information is located on the second TFTP server 280. In this scenario, updated image and configuration files can be stored on either server 260 or 280, or any other server that may be connected to the network. The new names of the update files can be loaded onto the devices 210 and 230);

and

- directing each imaging device of the list of similar imaging devices with an external management facility to retrieve the configuration

from the network location (Wysoczynski, [0037], desired parameters such as: TFTP server (IP address), image version, configuration file name, new IP address of the device and default gateway IP address from the external server corresponding to the external management facility).

Because knowing that Wysoczynski's method for recovering the Imaging device on the network provides the properly configuration, which can be incorporated with Sato's polling the status of these devices jam status, out-of-paper errors, etc., set their respective configurations, provide information to the user station system (see Sato, [0030]), it would have been obvious to use Wysoczynski's recovering method of configuration incorporates with Sato's out-of-peer error configuration. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/17/06  
KYL

  
ANDREW CALDWELL  
SENIOR PATENT EXAMINER